

2

Notice of Allowability

Application No.

10/008,465

Examiner

Ted M. Wang

Applicant(s)

DIAZ, RAYMOND

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/23/2007 after final (AF) amendments.
2. ☒ The allowed claim(s) is/are 3-10, 13-27, 30-36, 39-52, 54-58 and 60-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Arguments

1. Applicants' amendments and arguments, filed on 09/28/2006, with respect to Claims 16-26 have been fully considered. The 35U.S.C.103(a) rejections has been overcome by rewritten those objected claims – dependent claims in independent form including all of the limitations of the base claim and any intervening claims.

Allowable Subject Matter

2. Claims 3-10, 13-27, 30-36, 39-52, 54-58 and 60-64 are allowed.
3. The following is an examiner's statement of reasons for allowance.
- The prior art fails to teach a method/apparatus of Claims 3, 13, 22, 30, 39, 46, 54 and 60 that specifically comprises the following:
 - The instant application is deemed to be directed to a non-obvious improvement over the admitted prior art of the instant application and the invention patented in Pat. No. US 5,155,490, US 5,400,261, US 5,551,025, and US 6,647,109. The improvement comprises that -
 - With regard claims 3, 13, 30, 39, 54 and 60, "wherein sending the requested system statistics to the requestor further comprises adjusting the system statistics for reporting relative to the absolute time reference with a time offset value." as recited in combination with other limitation as claimed in claims 3, 13, 30, 39, 54 and 60.

With regard claims 22 and 46, "gathering performance statistics on a G.SHDSL modem over the duration of each fifteen time minute interval;

storing a summarized record of the G.SHDSL compatible device performance statistics for each fifteen minute time interval at the conclusion of each selected time interval over a twenty four hour period; and reporting the summarized record of one or more fifteen minute time intervals relative to a chronological time reference." as recited in combination with other limitation as claimed in claims 22 and 46.

In addition, the "relative time reference" as claimed in claims 3, 13, 22, 30, 39, 46, 54 and 60 is defined as "a time reference that is "not tied to chronological time in the collection of system statistics" and is specifically not updated when any communications device or system associated absolute time references are changed." Detailed Description, Paragraph 24 of the instant application and page 15, lines 3-6, of Remark, dated 5/26/2006.

US 5,551,025 teaches all limitation except for specifically teaching the above allowable subject matter. Actually, O'Reilly et al. teaches a fixed predetermined time interval, such as half hour or 20 minutes (column 1, lines 62-63 and column 3, lines 34-64) or a specific time interval (column 5, lines 28-30) that inherently generated by a time reference that could be on board local reference clock (relative time reference) or recovered system clock (absolute time reference)). The O'Reilly's statistics collecting system requires only a predetermined time interval. The predetermined time interval value may be varied but once it is set the predetermined time interval is fixed to the system. It does not matter whether the predetermined time interval is generated from a relative time reference or an absolute time reference.

US 6,647,109 teaches a G.SHDSL modem device but fails to teach the above allowable subject matter.

US 5,155,490 and US 5,400,261 teach the "a absolute time reference" and "a relative time reference" and "timing offset" in a network but fail to teach adjusting the system statistics for reporting relative to the absolute time reference with a time offset value.

US 5,155,490, US 6,647,109, US 5,155,490 and US 5,400,261, individually or in combination, do not teach above described features.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Reference(s) US 5,155,490 and US 5,400,261 are cited because they are put pertinent to the wave analysis and event recognition with respect to the absolute time and relative time and timing offset. However, none of references teach detailed connection as recited in claim.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M. Wang whose telephone number is (571) 272-3053. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

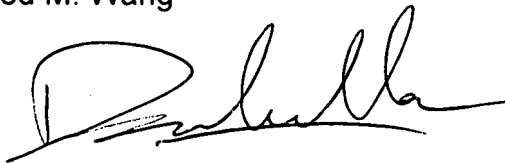
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Ted M Wang

Examiner

Art Unit 2611

Ted M. Wang

A handwritten signature in black ink, appearing to read 'Ted M. Wang', with a stylized, cursive script.

DAC HA
PRIMARY EXAMINER